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MEMO ENDORSED

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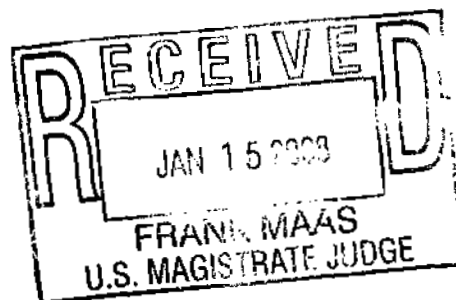
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 1/15/08

APPLICATION GRANTED
SO ORDERED

January 11, 2008

Frank Maas, USMJ 1/13/08

Honorable Frank Maas
United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1581



Re: *Sanofi Pasteur v. Kuehne & Nagel*
07 Civ. 6354 (BSJ)(FM)

Dear Judge Maas:


I am the attorney for Kuehne & Nagel, Inc., one of the defendants in the above matter. This letter seeks an order to permit a third-party summons to be issued by the court clerk on behalf of my client against Southwest Airlines Co.

The suit relates to plaintiff's claims that its vaccines had to be destroyed. The vaccines were to have been transported and kept at low temperatures from their pickup by defendant ETI and their delivery to designated air carriers for export to the orient.

The vaccines were for a time kept in the cooling facility of Continental Airlines at the Philadelphia Airport. Continental then transferred the vaccines to the Southwest Airlines at the airport for keeping in its cooler. Issues in this case concern which party may be answerable to the plaintiff's claims. It is thus respectfully requested that the proposed third-party summons and complaint, draft of which are enclosed, be allowed to be issued and filed by the court clerk.

I have spoken to the attorneys for plaintiff and both of the other defendants and each has indicated that they have no objection to the relief sought. Thank you for your consideration.

Very truly yours,



Ernest H. Gelman

EHG/ll

Enc.

cc: David L. Mazaroli, Esq., Fax #(212) 732-7352
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